



October 8, 2018

The Honorable Brian M. Cogan
United States District Judge
for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *United States v. Joaquín Archivaldo Guzmán Loera*
Case No. 09-CR-0466(S-4)(BMC)

Dear Judge Cogan:

Mr. Guzmán respectfully writes the Court pursuant to the Court's Order of October 5, directing the parties to brief their positions with respect to requests by Newsday and the New York Times with respect to unsealing the government's second motion in limine and allowing the media access to *voir dire*.

Mr. Guzmán objects to the wholesale unsealing of the government's motion. Specifically, Mr. Guzmán objects to the unsealing of [REDACTED]. Mr. Guzmán has a pending objection pursuant to Federal Evidence Rule 401 and 403 to the introduction of that evidence at trial. Rule 403 provides that the Court may preclude the presentation of evidence if "its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence." Fed. R. Evid. 403. Here, the government has charged a 25-year conspiracy encompassing multiple acts of drug trafficking and is requesting leave to introduce countless acts of murder and violence. Introducing [REDACTED] which is not relevant to the charged offenses, will unfairly prejudice Mr. Guzmán before the jury regardless of its probative value.

Mr. Guzmán does not object to the request that *voir dire* be conducted in open Court. However, to the extent that having the media present may make the *venire* persons uncomfortable, Mr. Guzmán respectfully suggests that the media be located in the overflow courtroom and to observe the proceedings via closed circuit television as is currently done for court appearances.

BALAREZO LAW
CRIMINAL DEFENSE

Respectfully submitted,

BALAREZO LAW

/s/

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